

## DV-520-INFO

## Get Ready for Your Hearing

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### Be prepared.

- Bring 2 copies of all documents and filed forms, including the *Proof of Service*.
- Bring documents that support your case (police or medical reports, rental agreements or receipts, photos, bills, etc.).
- The person asking for protection can bring a friend or relative (a “support” person), but that person must not talk for you in court.
- You can bring documents or witnesses to help support your case. If you do, bring the witnesses' written statements of what they saw or heard, signed under penalty of perjury, and provide the other party with a copy of all documents or witness statements. Your witnesses can write their statements using form MC-030, *Declaration*.
- If you are the respondent, complete, file, and serve your (form DV-120) if you haven't already. Bring 3 copies of your answer to Proof of Service to your hearing.
- Most courtrooms do not allow children. Before the date of the hearing, ask if there is a children's waiting room in the courthouse.
- Practice what you want to say to the judge. Make a list of the orders you want or the orders you disagree with. If you get nervous at the hearing, just read from your list.

### Don't miss the hearing.

If you are the person asking for protection and you miss the hearing, the restraining orders will end and you will have to complete the paperwork all over again. If the person to be restrained misses the hearing, the judge can still make the orders.

### Get there 30 minutes early.

- Find the courtroom.
- When the courtroom opens, go in and tell the clerk or officer that you are present.
- If you are afraid of the restrained person, tell the officer.
- Watch the other cases so you will know what to do.
- When your name is called, go to the front of the courtroom.
- Your hearing may last just a few minutes or up to an hour or more. However, you may be at court several hours, depending on the number of other cases.

### What if you don't speak English?

When you file your papers, tell the clerk you will need an interpreter. If a court interpreter is not available, bring someone to interpret for you. The interpreter must be an adult and able to interpret from English to your language and your language to English. Do not ask a child, a protected person, or a witness to interpret for you.

### What if you are deaf or hard of hearing?



Assistive listening systems, computer-assisted real-time captioning, or sign language interpreter services are available if you ask at least five days before the proceeding. Contact the clerk's office or go to [www.courtinfo.ca.gov/forms](http://www.courtinfo.ca.gov/forms) for *Request for Accommodations by Persons With Disabilities and Order* (Form MC-410). (Civil Code, § 54.8.)

### The judge may ask questions.

- Tell the truth. Speak slowly.
- The person to be restrained or his or her lawyer may also ask you questions.
- Give complete answers.
- If you don't understand, say “I don't understand the question.”
- Speak only to the judge.
- Do not talk to the other person unless it is your turn to ask questions.
- Do not interrupt other than for legal objectives.
- Do not sit near or talk to the other person.

## The judge will decide.

- At the end of the hearing, the judge will say what the orders are.
- Make sure your Form DV-130 says what the judge has ordered. Sometimes the clerk fills out the form for you. If not, fill it out yourself. If you filled it out before the hearing, you may have to make changes.
- Review the order and make sure you understand them. If anything is wrong or missing, tell the court clerk right away.
- If the judge makes the orders, the judge will sign your Form DV-130. Take it to the clerk to file it. The clerk will give you up to 5 copies.

## The judge may “continue” your case.

This means you have to come back another day. The judge can do this if:

- The person to be restrained needs time to get a lawyer or prepare an answer
- The judge wants more information
- Your hearing is taking longer than planned

The person to be protected may ask the judge to extend the temporary orders until the new hearing date.

Ask the court clerk for the forms you need.

## What about child custody or visitation?

- If you need child custody or visitation orders, the judge will send you to mediation. Mediation helps parents agree on a plan for custody and visitation that is best for the children.
- Either parent can ask to meet with the mediator separately. You can bring a support person with you to mediation. A support person can provide emotional support but cannot speak for you.
- If you are sent to mediation, the judge may make your restraining, custody, and visitation orders last until the next hearing or until another court order.

## What happens after the hearing?

### For person to be protected:

- Ask the clerk if the court will fill out Form DV-130 for you. If not, fill it out.
- If the judge makes the orders, go to the clerk and file Form DV-130. The clerk will send it to law enforcement or CLETS for you. CLETS is a statewide computer system that lets police know about the order.
- If the restrained person was not at the hearing, and the judge’s orders are *different* from the temporary order, you must have someone serve Form DV-130 in person, not by mail. Ask the server to complete Form DV-200 and give it back to you.
- Keep a copy of the orders with you at all times.

### For person to be restrained:

- If the judge makes the orders, you must obey them. Otherwise, you can be arrested.
- Be sure to get a copy of the orders. If you do not receive a copy of the orders, ask the clerk for one or talk to a lawyer.
- Keep a copy of the orders with you at all times.